

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**KEYNON JOHNSON and  
DANARIO SLACK**

**PLAINTIFFS**

**V.**

**NO. 4:24-CV-31-DMB-RP**

**MARTIN O'MALLEY, Commissioner  
of the Social Security Administration**

**DEFENDANT**

**ORDER**

On April 11, 2024, United States Magistrate Judge Roy Percy issued a “Report and Recommendation” (“R&R”) recommending that this case be dismissed without prejudice for lack of subject matter jurisdiction. Doc. #6 at PageID 18. The R&R warned that any objections must be filed within fourteen days and that the “failure to file written objections to the proposed findings, conclusions and recommendation ... shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court.” *Id.* at PageID 18–19. No objection to the R&R was filed.

Under 28 U.S.C. § 636(b)(1)(C), “[a] judge of the court shall make a de novo determination of those portions of the report ... to which objection is made.” “[P]lain error review applies where a party did not object to a magistrate judge’s findings of fact, conclusions of law, or recommendation to the district court despite being served with notice of the consequences of failing to object.” *Quintero v. State of Tex. – Health and Hum. Servs. Comm’n*, No. 22-50916, 2023 WL 5236785, at \*1 (5th Cir. Aug. 15, 2023) (cleaned up). “[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F. Supp. 3d 944, 948 (S.D. Tex. 2017).

The Court reviewed the R&R for plain error and concludes that the R&R is neither clearly

erroneous nor contrary to law. So the R&R [6] is **ADOPTED** as the order of the Court and this case is **DISMISSED without prejudice**. A final judgment will be issued separately.

**SO ORDERED**, this 29th day of April, 2024.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**